

3 FAH-1 H-3420 SICK LEAVE

(CT:POH-151; 02-27-2012)
(Office of Origin: HR/ER/WLD)

3 FAH-1 H-3421 ACCRUAL

3 FAH-1 H-3421.1 Full-Time Employees

3 FAH-1 H-3421.1-1 Accrual Rate

(CT:POH-119; 10-20-2005)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)

A full-time employee with a 40-hour workweek accrues four hours of sick leave for each full biweekly pay period, regardless of years of Federal service:

- (1) Leave is credited at the beginning of the pay period in which it is earned;
- (2) No sick leave accrues for partial pay periods at time of entering on duty or at time of separation;
- (3) Full-time employees accrue sick leave during each full biweekly pay period while in a pay status or in a combination of pay and nonpay status. However, no leave is accrued if an employee is in a nonpay status for a complete biweekly pay period.

3 FAH-1 H-3421.1-2 Reduction of Accrual for Nonpay Status

(CT:POH-151; 02-27-2012)
(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)

Each time an employee accumulates 80 hours in a nonpay status over one or more pay periods, his or her sick leave accrual is suspended in that pay period:

- (1) Periods in a nonpay status of less than 80 hours are cumulative only during a given leave year and are not carried forward at the beginning of the next leave year;
- (2) No sick leave accrues to the credit of an employee who is in a nonpay status for the entire leave year;
- (3) Any period covered by an employee's refund for the value of unearned advance leave shall not be considered a period of nonpay status under this section;
- (4) No reduction in leave credits is made for periods in a nonpay status during a nonleave-earning period, such as:
 - (a) Partial pay periods of duty at time of entering on duty or at time of separation;
 - (b) Periods of suspension (other than suspension in the interests of national security) pursuant to 5 U.S.C. 7532, whether such periods of suspension cover full or only partial pay periods; and
 - (c) Periods of leave without pay (LWOP) while receiving compensation under 5 U.S.C. Chapter 81, Compensation for Work Injuries.

3 FAH-1 H-3421.1-3 Pro Rata Accrual for Partial Pay Periods

(CT:POH-119; 10-20-2005)

*(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)
(Applies to Foreign Service and Civil Service Employees)*

Sick leave accrues on a pro rata basis for partial pay periods of duty occurring within the continuity of employment when an employee's service is interrupted by a nonleave-earning period. (See 3 FAH-1 H-3412.4 for examples of periods for which pro rata leave accrual is given and a table for determining the amount of leave to be credited on a pro rata basis.)

3 FAH-1 H-3421.2 Part-Time Employees

3 FAH-1 H-3421.2-1 Accrual Rate

(CT:POH-133; 07-01-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

A part-time employee with a regular tour of duty established in advance on one or more days each workweek accrues one hour of sick leave for each 20 hours in a pay status:

- (1) Any hours in a pay status in excess of 40 during any administrative workweek are disregarded;
- (2) In computing leave accrual, leave without pay (LWOP) is not creditable for determining leave accrual;
- (3) Hours in a pay status of less than 20 (the number necessary for a minimum leave credit of one hour) may be carried over from one pay period to the next and from one leave year to the next for accrual purposes.

3 FAH-1 H-3421.2-2 Pro Rata Accrual for Partial Pay Periods

(CT:POH-119; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

Part-time employees earn no sick leave for partial pay periods of duty at the time of entering on duty or at time of separation. However, a part-time employee is given pro rata credit for leave for partial pay periods of duty occurring within the continuity of employment when service is interrupted by a nonleave-earning period.

3 FAH-1 H-3421.3 Creditable Service for Sick Leave Purposes

(CT:POH-119; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

In certain circumstances, service with public international organizations and the American Institute in Taiwan is creditable for sick leave purposes on the same basis and conditions as it is creditable for annual leave purposes (see 3 FAH-1 H-3411.2-2).

3 FAH-1 H-3422 ACCUMULATION

(CT:POH-119; 10-20-2005)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

Any sick leave not used by an employee during the year in which it accrues will accumulate, without limitation, and be available for use in succeeding years.

3 FAH-1 H-3423 SICK LEAVE FOR ADOPTIONS

3 FAH-1 H-3423.1 General Explanation

(CT:POH-133; 07-01-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

The 5 U.S.C. 6307 and implementing Office of Personnel Management (OPM) regulations (5 CFR 630.401) permit an employee to use sick leave for purposes related to the adoption of a child.

3 FAH-1 H-3423.2 Sick Leave for Adoption of a Child

(CT:POH-133; 07-01-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. An employee may use accrued, accumulated or advanced sick leave for purposes relating to the adoption of a child. An adoptive parent may request sick leave for appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed.
- b. To the extent possible, an employee must request advance approval to use sick leave for adoption-related purposes.
- c. Employees may be required to provide evidence that is administratively acceptable to their supervisor or office head in support of a request to use sick leave for adoption-related purposes.

3 FAH-1 H-3424 CARING FOR FAMILY MEMBER WITH SERIOUS HEALTH CONDITION

3 FAH-1 H-3424.1 General

(CT:POH-140; 12-17-2009)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

An employee may use sick leave to provide care for a family member with a serious health condition subject to the limitations stated in 3 FAH-1 H-3424.2.

3 FAH-1 H-3424.2 Limitations

(CT:POH-151; 02-27-2012)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. When using leave under 3 FAH-1 H-3424.1, a full-time employee may use up to 480 hours (12 administrative workweeks) of sick leave per leave year. (See 3 FAM 3428.1 for *limitations* on advance sick leave.)
- b. A full-time employee may not use more than a total of 480 hours (12 administrative workweeks) of sick leave per leave year, including a combination of accrued and advanced sick leave, for all family care purposes outlined in 3 FAH-1 H-3424.1 and in 3 FAH-1 H-3425.1.
- c. When using leave under 3 FAH-1 H-3424.1, a part-time employee (or an employee with an uncommon tour of duty) may use an amount of accrued sick leave in a leave year that equals 12 times the average number of hours in his or her scheduled tour of duty each week.
- d. A part-time employee may not use more than a total of 12 times the average number of hours in his or her scheduled tour of duty for all family care purposes outlined in 3 FAH-1 H-3424.1 and in 3 FAH-1 H-3425.1.
- e. A full-time employee may use a combination of accrued and advanced sick leave that does not exceed 480 hours (12 administrative workweeks) in a leave year. A part-time employee may use a combination of accrued and advanced sick leave that does not exceed the amount determined under paragraph c of this section.

3 FAH-1 H-3425 GENERAL FAMILY CARE AND BEREAVEMENT

3 FAH-1 H-3425.1 General

(CT:POH-151; 02-27-2012)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

An employee may use sick leave to:

- (1) Attend to a family member receiving medical, dental or optical examination or treatment;
- (2) Make arrangements necessitated by the death of a family member or attend the funeral of a family member; or
- (3) Provide care for a family member who is incapacitated by a medical or mental condition; *or*
- (4) *Provide care for a family member who, as determined by the health authorities having jurisdiction or by a health provider, jeopardizes the health of others by that family member's presence in the community because of exposure to a communicable disease.*

3 FAH-1 H-3425.2 Limitations

(CT:POH-133; 07-01-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

a. When using sick leave under 3 FAH-1 H-3425.1:

- (1) Full-time employees may be granted up to 104 hours of sick leave during a leave year; and
- (2) Part-time employees or employees on an uncommon tour of duty may be granted the number of hours of sick leave he or she normally accrues during a leave year.

b. Sick leave used to care for a family member in accordance with 3 FAH-1 H-3424.1, when combined with any sick leave used under this subchapter, may not exceed 480 hours per leave year or the prorated amount under 3 FAH-1 H-3424.2, paragraph c, for part-time employees. (See 5 CFR 630.401(d).)

3 FAH-1 H-3426 APPLICATION AND SUPPORTING EVIDENCE

(CT:POH-133; 07-01-2008)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a. To the extent possible, an employee must request advance approval for sick leave when it is to be used for family care or bereavement purposes.
- b. Supporting documentation will be required when using sick leave to care for a family member with a serious health condition. The supervisor or office head may require a medical certificate, employee certification, or other administratively acceptable evidence as to the reason for absence from duty on sick leave for general family care or bereavement purposes.
- c. For purposes of 3 FAH-1 H-3424.1 and 3 FAH-1 H-3425.1, acceptable medical documentation may include a statement from a health care provider concerning the family member's need for psychological comfort and/or physical care. The statement must certify that:
 - (1) The family member requires psychological comfort and/or physical care;
 - (2) The family member would benefit from the employee's care or presence; and
 - (3) The employee is needed to care for the family member for a specified period of time.

3 FAH-1 H-3427 INTERACTION WITH THE VOLUNTARY LEAVE TRANSFER PROGRAM (VLTP)

(CT:POH-151; 02-27-2012)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

An employee may receive donated annual leave from other Federal employees if he or she is affected by a personal or family medical emergency and has exhausted his or her available annual and applicable sick leave. Once an employee has exhausted his or her entitlement to use sick leave *to care* for *a family member with a serious medical condition*, the employee would be *permitted to use any leave donated* under the Voluntary Leave

Transfer Program (VLTP) provided *he or she* satisfies the other requirements of the VLTP *(including the exhaustion of other available paid leave; see 3 FAM 3340)*. *Donated leave is annual leave that must be used for the VLTP-related medical emergency, but its use does not count against the limit on the amount of sick leave that may be used to care for a family member with a serious medical condition.* Leave donated under this program may be used to liquidate advance sick leave as long as both are for the same medical emergency.

3 FAH-1 H-3428 INTERACTION WITH THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

(CT:POH-151; 02-27-2012)

(Uniform State/USAID/BBG/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service and Civil Service Employees)

- a.* An employee may use up to 480 hours (12 administrative workweeks) of sick leave each leave year to care for a family member with a serious health condition before invoking his or her entitlement to 12 weeks of leave without pay (LWOP) under *the Family Medical and Leave Act (FMLA)*, provided he or she is otherwise eligible. However, the definition of a family member under the FMLA is different *from* the definition of a family member in the sick leave regulations and is limited to a spouse, son or daughter, or parent. (See 3 FAM 3530.) If an employee chooses to invoke the FMLA before exhausting his or her entitlement to use accrued sick leave, sick leave may be substituted for leave without pay.
- b.* *The amount of accrued sick leave an employee may substitute for unpaid leave under the FMLA to care for a covered service member may not exceed a total of 26 administrative workweeks in a single 12-month period (or, for a part-time employee or an employee with an uncommon tour of duty, an amount of sick leave equal to 26 times the average number of hours in his or her scheduled tour of duty each week; see 5 CFR 630.480). Sick leave used for this purpose does not count against the 480-hour limit on sick leave that may be taken to care for a family member with a serious medical condition (see 3 FAM 3423, subparagraph a(4)).*

3 FAH-1 H-3429 UNASSIGNED